

Application No.: 09/913,635

Docket No.: 209565-81763

REMARKS

Claims 1-18 were previously canceled and claims 30 and 32-36 are canceled herein. Claims 28, 29, and 31 are amended herein and no new claims are added. Accordingly, claims 19, 28, 29, and 31 remain under prosecution in this application.

Claim Objections

Claims 34 and 35 are objected to under 37 CFR 1.75(c). Both claims 34 and 35 are canceled herein and accordingly the Examiner's objection to claims 34 and 35 is now moot.

Claim 19, and 28-36 are objected to because in line 5 of claims 31 and 32, the phrase "said circumferential piston groove" lacks proper antecedent basis. Claim 32 has been canceled which now makes the above recited rejection of claim 32 moot. Claim 31 has been amended wherein "said circumferential piston group" has been changed to —said circumferential groove—. In view of this claim amendment, the undersigned believes that the Examiner's objection to claim 31 is now overcome.

The Examiner has objected to lines 1 and 2 of claim 34 wherein the Examiner suggests changing the phrase "the brake pad. . . further comprising two generally U-shaped portions arranged between the three spring portions." The undersigned has canceled claim 34 from this application and accordingly, the Examiner's objection of claim 34 is now moot.

35 USC § 102

Claims 19, 28, 29, and 31-35 are rejected under 35 USC § 102 as being anticipated by Winter (DE 19705803). Claim 32-35 has been canceled and accordingly the Examiner's rejection of claims 32-35 is now moot. Claim 31 has been amended to, amongst other limitations, include ". . . wherein said first, second, and third retaining springs are separate from one another." This distinction of three separate springs (as opposed to one, continuous spring) can be seen in the embodiments set forth in Figures 1 and 2. By designing the assembly claimed in 31 using three separate springs, the rating and configuration of the springs may be individually chosen (see paragraph [0026] of the substitute specification (clean copy.) Neither of the references of record teach or suggest the claimed assembly using three separate springs to

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bias the piston in the manner set out in claim 31 nor do any of the references teach the advantages of three separate springs. Accordingly, for this reason alone, the undersigned believes that claim 31 and its dependent claims (claims 19, 28 and 29) are now in condition for allowance.

Claim 28 has been amended to include, amongst other limitations, "... wherein at least one of said first, second, and third retaining springs are configured in the shape of a closed wire ring." None of the references of record teach or suggest a spring in the "shape of a closed wire ring." And for this reason alone, claim 28 is allowable separate from the allowability of claim 31.

Claim 29 has been amended to include, amongst other limitations, "... a retaining member configured as a hook or eyelet for bracing one of the first, second, and third retaining springs, wherein said at least one retaining member is attached to said retaining plate and to at least one of said first, second and third retaining springs." None of the references of record teach or suggest a retaining member that is attached to both the retaining plate and one of the retaining springs and accordingly, for this reason alone, claim 29 is allowable independent of the allowability of claim 31.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. AP9673 from which the undersigned is authorized to draw.

Dated:

July 8, 2005

Respectfully submitted,

By

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